IN RE:

PETITION FOR RESIDENTIAL

ZONING VARIANCE

SE/S Middlesex Road, 400 ft. N

of c/l Stemmers Run Road

635 Middlesex Road 15th Election District 5th Councilmanic District

Samuel J. Walto, Sr., et ux

Petitioners

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 96-503-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Samuel J. Walto, Sr. and Diana L. Walto, his wife, for that property known as 635 Middlesex Road, located in Middlesex, in eastern Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.B. (III.A.13(a)-A Res) of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure (pool) in the side yard and within the closest third of the yard removed from a street, in lieu of the rear and farthest third, respectively. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

MICROFILMED

ORDER RECEIVED FOR FILING
Date
By

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmn

TAWKENCE E. SCHMIDT Zoning Commissioner for Baltimore County







Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 18, 1996

Mr. and Mrs. Samuel E. Walto, Sr. 635 Middlesex Road Baltimore, Maryland 21221

RE: Petition for Administrative Variance

Case No. 96-503-A

Property: 635 Middlesex Road

Dear Mr. and Mrs. Walto:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

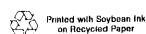
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 635 Middlesex al

		_	_	-
96	5	50	3	-A

which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 1302.3.B. (III. A.13(a)-A Res) to permit a pool in the side yard and closest third of the yard removed from a street in lice of the rear and fortnest third

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

practical difficulty)
THE REASON FOR THIS REQUEST IS THAT THE LOCATION
CHOSON FUR THE POOL IS THE ONLY SPOT THAT THE POOL WILL FIT, DUR TO THE REAR YARD HAVING A SHED AND OFF STREET PARKING.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that i/we are legal owner(s) of the property which is the subject of this Petition	e the
Contract Purchaser/Lessee			Legal Owner(s):	
			The Samuel I WALTE GO	
(Type or Print Name)			(Type or Print Name)	
	· · · · · · · · · · · · · · · · · · ·	·····	Samuel Watter	
Signature			Signature	
			MRS. DIANA L. WALTO	
Address			Mys. Harian. Wholfo	
City	State	Zipcode	Signature W-321-7	730
Attorney for Petitioner			Signature W-321-2	868
			(255 MIDDILESEX RD. H.391-66	677
(Type or Print Name)			Address Phone No	Ť
			BATO. MD. 21221	/
	· · · · · · · · · · · · · · · · · · ·		City State Zipcode	
Signature			Name, Address and phone number of representative to be contacted	
			a box	
Address	Phone No		Name	
Audicas	, none no		Charle	
City	State	Zipcode	, Address Phone No	

A Public Hearing having been requested and/or found to be required, it is ordered by the Loning Commissioner of Baltimore County, this _ that the subject matter of this petition be set for a public hearing, advertised, as required by the Loning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County and that the property be reposted

REVIEWED BY: DATE: 6/70/16
ESTIMATED POSTING DATE: 6/30/96

Printed with Soybean Ink on Recycled Paper

ITEM #: 584

Zoning Commissioner of Baltimore County



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: The before me, a Notary Public of the State I HEREBY CERTIFY, this of Maryland, in and for the County aforesaid, personally appeared the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

My Commission Expires: 4-98

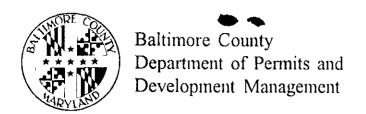
CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 96-503-	-504-96 ALMOS :
District 15th Varience De	Date of Posting 6/19/9/
Petitioner: Something to Diang Walto. Location of property: 635 Middleson, Rd.	
Location of Signat Techniq Too dury On proporty bring Torre	bury Tone
	Data of return: 7/5/96
Number of Signs:	MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEC CASH RECEIPT

No.

	1./20/.		ACCOUNT_	<u>(9/- 6)</u>	/5
	1. 12-4)	,	AMOUNT_	\$ 850	17
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FOR:			AND THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN T	5 . 07-	
ŀ		VALIDATION	21 # 0205MT	'CHiar	\$85. (j)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

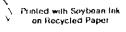
PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 504 Petitioner: Samuel Walto.
Location: 635 Middlesex Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Semiel Walto
ADDRESS: 635 Midlesex Rl.
BN14. MD 21221
PHONE NUMBER: (410) 391-0677

MICROFILMEN





Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 27, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re:

CASE NUMBER: 96-503-A (Item 504)

635 Middlesex Road

SE/S Middlesex Road, 400' N of c/l Stemmers Run Road

15th Election District - 5th Councilmanic

Legal Owner(s): Samuel J. Walto, Sr. and Diana L. Walto

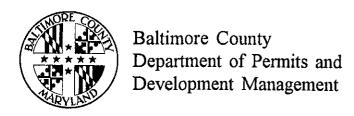
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 30, 1996. The closing date (July 15, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Samuel and Diana Walto



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 10, 1996

Samuel and Diana Walto 635 Middlesex Road Baltimore, MD 21221

RE: Item No.: 504

Case No.: 96-503-A

Petitioner: Samuel Walto, et ux

Dear Mr. and Mrs. Walto:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr

Zoning Supervisor

WCR/re
Attachment(s)







David L. Winstead Secretary Hal Kassoff Administrator

6-28-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County (MJK)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

Division

BS

My telephone number is _

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. Item Nos. 491, 500, 502, 503, 504, 505, 506, 507, and 508

DATE:

June 27, 1996

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffry W. Zong

Division Chief: Aug C. Cens

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

DATE: 7-1-96

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee Meeting Date: <u>JULY 1 1996</u>

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 50/

Bun Any

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 07/03/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 01, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:500,502,503,504,505,506,
507 AND 508.

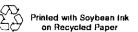
1950

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 5, 1996

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

For July 8, 1996

Item Nos. 502/504, 506, 507 & 508

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

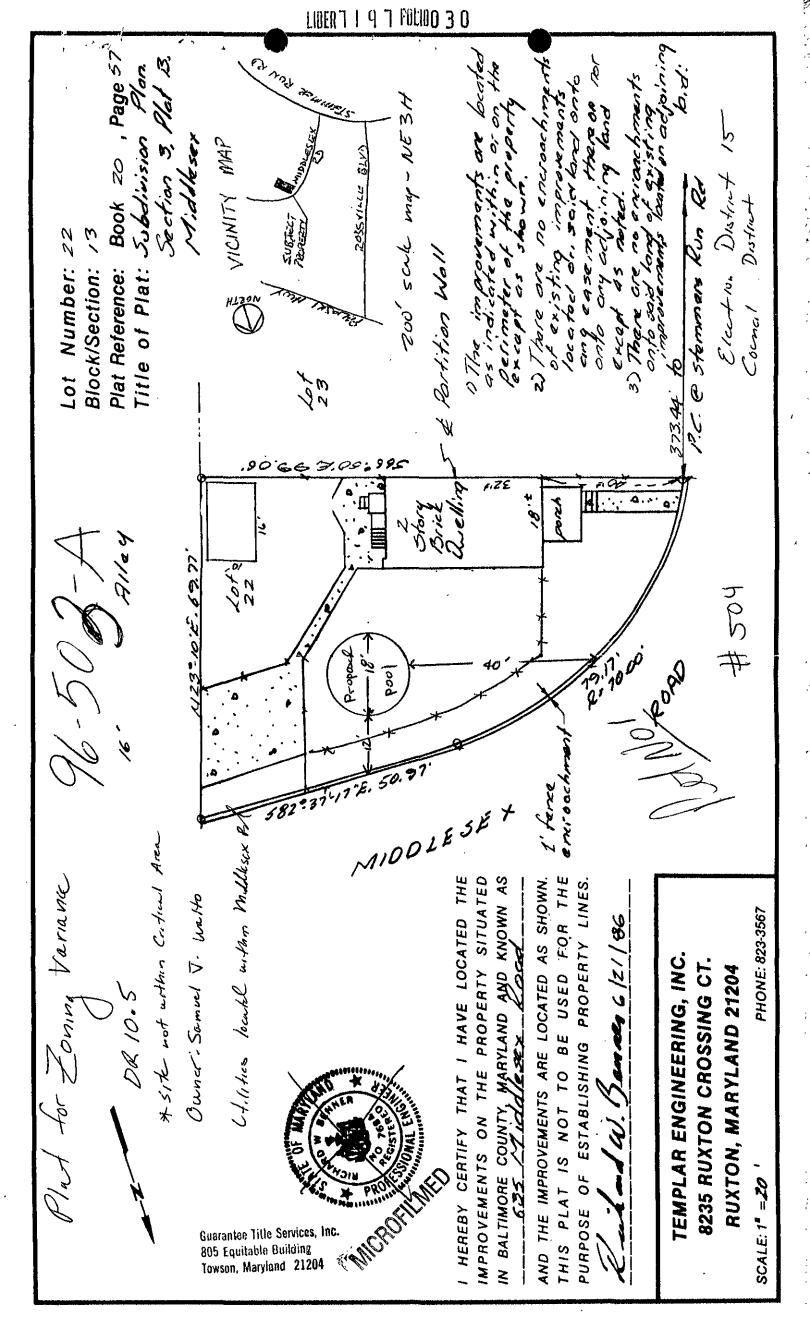
cc: file

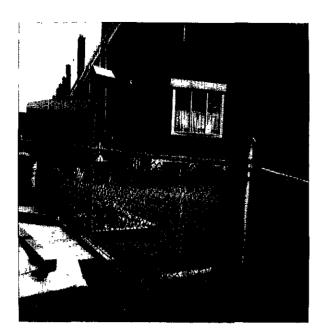
Baltimore County Government Office of Permits and Development Management 111 West Chesapeake Avenue, Room 111 Towson, MD 21204 (410) 887-3391

PROVISIONAL APPROVAL PERMIT NUMBER:					
Date Location: 635 Mildhesex Re	5: C/20/96				
Location: 6 35 Printer SCA PAR					
The issuance of this permit in no way grathis property which is in conflict with the	ints or implies approval of any matter relating to				
The issuance of this permit is subject to t					
Owner has filed for a public hearing	g, Item # <u>504</u> .				
Owner must file for a public hearing within days before the Zoning Commissionr requesting relief from all conflicts with the <u>Baltimore County Zoning Regulations</u> .					
Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within days resolving all possible conflicts with the <u>Baltimore County Zoning Regulations</u> .					
The owner/contract purchaser may prindicated in the above referenced permit.	oceed at his own risk with the construction				
However, in the event that any or all stipulated, and/or the petition for relief provisional approval is rescinded forthw	of the above conditions are not completed as has been denied, dismissed, or withdrawn, this ith.				
Immediately thereafter, the owner/cont condition it was in prior to the beginnin liability in the matter.	ract purchaser must return the property to the g of said construction and accepts full financial				
	Call Saller				
m					
ZONING STAFF DI	RECTOR, PERMITS & DEVELOPMENT MANAGEMENT				
I have read the above statement and I ag commissioner, if applicable, in this matter in fact the owner and, if applicable, the co	gree to abide by the decision of the zoning I also hereby certify that I, the undersigned, amontract purchaser and not just an agent for same.				
Signed - Owner Jensey Illatto	Signed - Contract Purchaser				
	Printed Name				
	Address				
Work Phone # 32/ - 230/	Work Phone #				
Home Phone # 391-0677	Home Phone #Revised 8/11/95				

		ON FOR PERMIT	DATE: a
		COUNTY MARYLAND 'S & DEVELOPMENT MANAGEME	(h (l \
	TOWSON, M	ARYLAND 21204	OEA:
PERMIT #B		635 MIDDLESSEN Rel	
RECEIPT #:	SUITE/SPACE/FLOOR	My March C	YES NO
CONTROL #: 25	SUBDIV:	Middlesey	DO NOT KNOW
XREF #:	TAX ACCOUNT #:	104.15120	DISTRICT/PRECINCT
\$ 12001100	_	ION (LAST, FIRST)	(5 <u>18</u>
FEE:	NAME: WALTO	SAMUEL & DIANA	
PAID:	ADDR: 635 MIDDL	ESOX RD CALLO. MD. 2	DOES THIS BLDG.
PAID BY: INSPECTOR:	APPLICANT INFOR	ΜΔΨΤΟΝ	HAVE SPRINKLERS
I HAVE CAREFULLY READ THIS APPLICATION	NAME: WALTO		YES NO 🗹
AND KNOW THE SAME IS CORRECT AND TRUE,	COMPANY:	-	
AND THAT IN POING THIS WORK ALL PROVI- SIONS OF THE BALTIMORE COUNTY CODE AND	STREET 635	MIDDUSIN RD	
APPROPRIATE STATE REGULATIONS WILL BE	CITY, ST, ZIP		110000
COMPLIED WITH WHETHER HEREIN SPECIFIED	PHONE #: #10 3	MHIC LICENSE	#: 30 104
OR NOT AND WILL, REQUEST ALL REQUIRED INSPECTIONS.	SIGNATURE:	Walte TRACT:	BLOCK:
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CODE GODE	TENANT SELF		
BOCA CODE	CONTR: SUB 7 3	IL MA ANTHONY	32307
TYPE OF IMPROVEMENT	ENGNR:		
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2ADDITION	1° 10	aulay) - Petitore h	as fill Visine # 504
3. ALTERATION	Conditional App	D WORK: Erect 18' DIG	= 201 = 1
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02. TWO FAMILY 03. THREE AND FOUR FAMILY 04. FAVE OR MORE FAMILY	09. CHURC	H, OTHER RELIGIOUS BUILD	ING an granget
	11: FENCE	TRIAL, STORAGE BUILDING	- Musical I
(ENTER NO UNITS)	12. PARKI	NG GARAGE	- Must be removed
05. SWIMMING POOL O6. GARAGE	13. SERVI	TAL. INSTITUTIONAL. NURS	ING HOMEN OAAR . +
O7. OTHER	15. OFFIC	E, BANK, PROFESSIONAL	1 pool nor u
	16. PUBLIC	C OLTEGE OTHER EDUCAT	TONAL /108
TYPE FOUNDATION BASEMEN	T 18. SIGN	a, common, cannot have a	ING an easement Must be removed EING HOMEY POOL AOT UN IONAL USE 601
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2. BLOCK 2. PAR 3. CONCRETE 3. NON	E 20swimm	ING POOL	
	21. TANK,	SPECIFY TYPE TOWER	
	22. TRANS	IENT HOTEL, MOTEL (NO. U	NITS)
	23. OTHER		
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2. WOOD FRAME 2	oil 4coal	2. PRIVATE SY	STEM PROPORED
3. STRUCTURE STEEL 4. REINF. CONCRETE	YPE OF WATER SUPPLY		PTIC EXISTS PROPOSED IVY EXISTS PROPOSED
			
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1 FAMILY BEDROOMS			7 7 7
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FLOOR 354 SIZE		BLD PLAN:	<u> </u>
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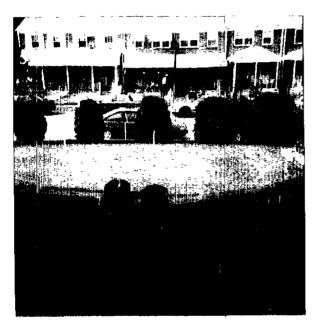




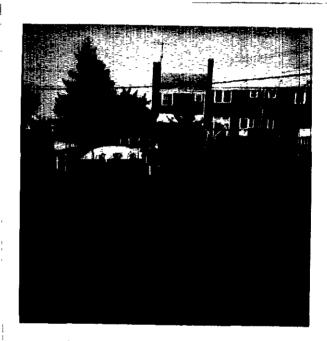
II. m # 504



-THEM # 504



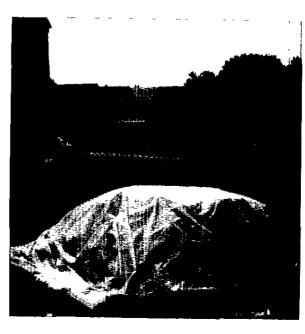
57011 # 504.



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J-16m 504



-15Tan 504

"MICHOFILMED

310 1 Wow B. Graves dest ai to Charles Tyler and Virginia G. Tyler Seo McCaffray Mat. Chas Tyler Virginia P. Tyler 6. Viggot State of Marifland ty of Baltimore Sch, I hereby certify that and this 30 day of October A. Drogg before the subscriber a Justice of the Pedce of the State of Maryland in and for the bity of Baltimole spaces and kersolvally appeared Charles Tyler and Virginia P. Tyler his wife and each acknowledged the foregoing deed to be the irrespective act, Seo. Mclaffray J. U. State of Maryland Galtinoze bety Sch. I hereby certify that Les Mcbaffray Esquire byfare whom the annexed at knowledgmente were shade and who has thereto subscribed his mane, was at the time of so in and for the lety of Baltimareduly commissionely and sworn and authorized by law to aliminater out and take acknowledgments. I further certify that I'm acquainted with the hand certing of the daid Justine and Verily believe the signature to be his genuine signature. planand affix the seal of the Superior Country Beltine leity. the 17 day of November a. D. 1897 Robe Ogle bleck of the Superior Court of Battimore City State of Maryland Taltimore County, to Wit. I hereby certify that an this Eleventh day of august in the Lycar Engliteen hundred and muety deventions me the subscriber a Justice of the Place of said State in and for said Country Heroonally appleared John Waters and Mary & Waters his wife and James & Ingrain and Mary a Iligram, his wife Challes Thacker h. Whath Clockey. Welliam Bleackey. anne le Rigger Thomas B. Cockey and mary B. leachly his wife Charles T. Cochey Jr. Edward a bochey dud alice In. Cockey his wife augusta le Ershoemaker. William B. Graves and Emily 18 theory

